

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN S. BROWN,

Plaintiff,

v.

**Case No. 07-cv-13
Judge Gregory L. Frost**

**WARDEN VOORHIES, et al.,
Defendants.**

OPINION AND ORDER

This matter is before the Court on Plaintiff's Motion to Reconsider Order. (ECF No. 282.) In that motion, Plaintiff continues to argue that he is entitled to a contempt order against non-party the Ohio Department of Rehabilitation and Correction ("ODRC") and defendant Voorhies for their failure to provide him with his legal documents. This Court has no reason to doubt the affidavit provided by non-party the ODRC indicating that Plaintiff was provided, in accordance with prison regulations, his legal documents. The Court, therefore, **DENIES** Plaintiff's motion.

The Court, however, is concerned that the prison regulations may prohibit this Court from having access to evidence that may be relevant to this case. Plaintiff claims that he was "tortured" and that the DVDs that were in the possession of his previous attorneys record the torture. The Court has reviewed Defendants' motion for summary judgment in this action, wherein Defendants explain that Plaintiff's claim of torture related to him being restrained and pepper sprayed to prevent him from harming himself and others. Defendants contend that this treatment was undertaken in accordance with prison regulations. Plaintiff wishes to rely on the DVDs in his opposition to Defendants' motion for summary judgment and this Court finds that

Plaintiff should be able to so rely.

Accordingly, the Court **ORDERS** Defendants and non-party the ODRC to **FILE IN THIS CASE** within two weeks of the date of this Opinion and Order the DVDs that are in Plaintiff's legal documents that were returned to the prison from his previous legal counsel. The Court also **PROHIBITS** any destruction of Plaintiff's legal documents pending disposition of this action. The Court understands that pursuant to prison regulations, Plaintiff's legal documents must fit in his 2.4 foot cell locker and his legal tub. The remaining documents must be mailed to an outside individual or they will be destroyed. The Court **ORDERS** the prison to **HOLD IN ABEYANCE** the regulation requiring destruction of the documents pending disposition of this action.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE